

Belvedere:
Jerry Butler

February 24, 2005

Corte Madera:
Melissa Gill

TO: Transportation Authority of Marin Commissioners

RE: TAM Advisory Committee Standing Rules and Application and Appointment Procedures – Agenda Item 6

Fairfax:
Lew Tremaine

Dear Commissioners:

Larkspur:
Joan Lundstrom

Attached for your review and adoption is proposed TAM Resolution 2005-01, which pertains to rules and application and appointment procedures for TAM Advisory Committees. The proposed resolution has been revised in response to issues raised and discussed at the January 27th TAM meeting.

Mill Valley:
Dick Swanson

As stated in the January 27th staff report, TAM will depend on advisory committees to conduct public business and to comply with applicable statutory mandates and, as a matter of public interest, it is advisable to establish standing rules and appointment and application procedures for these committees.

Novato:
Pat Eklund

Ross:
Tom Byrnes

Proposed Revisions to TAM Resolution 2005-01:

San Anselmo:
Peter Breen

The following list briefly summarizes TAM Advisory Committee issues that were discussed at the January 27th meeting by Commissioners. Proposed text revisions to TAM Resolution 2005-01, which have been reviewed and approved as to form by counsel, are shown in the boxes below for reference with new text underlined and deleted text ~~struck through~~.

San Rafael:
Al Boro

Sausalito:
Amy Belser

⇒ **Standing Rule 1** – Based on TAM Administrative Code provisions, language has been added to provide for staggered terms for committee members.

Tiburon:
Alice Fredericks

County of Marin:
Susan Adams
Hal Brown
Steve Kinsey
Charles McGlashan
Cynthia Murray

1. Citizens appointed to the two standing TAM advisory committees, the Citizen Oversight and the Technical Advisory Committee, shall be appointed for a term of four years; however, in order to provide for staggered terms for committee members, at the first meeting of the committee, the members shall draw lots to determine whether their initial appointment term will be 2 or 4 years. All initial appointment terms shall commence on June 1, 2005 and, subject to earlier removal or termination as provided herein, shall expire on May 31, 2007, as to two-year terms and May 31, 2009, as to four-year terms. Thereafter, terms shall commence on June 1 and shall terminate on the fourth anniversary date of such commencement date. If a committee member is unable to complete his or her term, a replacement member will be appointed by the TAM Board to fill the vacancy and complete the appointment term. Appointment terms shall commence on May 1 and shall terminate on the fourth anniversary date of such commencement date. Members of these advisory committees shall be appointed to their full terms, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code.

- ⇒ **Standing Rule 2 (New)** – Based on TAM Administrative Code provisions, a new rule is proposed to provide for designated alternates for committee members.

2. Each committee member also shall have a designated alternate appointed, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code, who shall attend committee meetings in the event that the appointed committee member is unable to attend. It shall be the responsibility of the appointed committee member to inform their designated alternate when the appointed committee member is unable to attend a meeting of the committee. The name of each designated alternate shall be on file with TAM.

- ⇒ **Standing Rule 5** – With respect to disclosure and conflict of interest provisions, language has been added to clarify that membership to TAM advisory committees shall be restricted to individuals without personal financial interest in any Measure A project.

5. Advisory committee members are required to comply with disclosure and conflict of interest requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. (as amended), and must complete and file all necessary disclosure documents. Committee members shall avoid impropriety and the appearance of impropriety and shall not use their appointed position to further their own financial gain or for any other purpose not directly related to the governmental function they have been appointed to perform. Specifically, committee membership shall be restricted to individuals without personal financial interest in any Measure A project. Committee members are defined as “public officials” of TAM (California Government Code Section 82048), and no public official shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows, or has reason to know, he or she has a financial interest (California Government Code Section 87100). Having a financial interest in a decision is defined by California Government Code Section 87103.

- ⇒ **Standing Rule 7** – Language has been added to provide examples of prohibited political activities during committee meetings.

7. Unless authorized as the designated spokesperson by the advisory committee, an individual member may not represent the advisory committee before any other committee or agency or to the press or general public. Advisory committee members are defined as “officers” of TAM and hence are governed by California Government Code Section 3201 et seq. (as amended) relating to political activities. Specifically, political activities, such as soliciting or receiving funds or contributions for a candidate or ballot measure during committee meetings, are prohibited.

- ⇒ **Application and Appointment Procedure 2 (New)** – A new rule is proposed to clarify that the TAM Board may conduct interviews in the event multiple, qualified applications are submitted for committee membership appointment from identified nominating organizations.

2. In the event that multiple, qualified applications are submitted for a committee membership appointment from identified nominating organizations, the TAM Board may choose to conduct interviews. If selected for an interview, applicants shall be notified of the date, time, and location of the interviews.

Proposed Revisions to TAM Advisory Committee Application Form

The proposed TAM Advisory Committee application form also has been revised to respond to issues discussed at the January 27th TAM meeting, such as clarification that membership to TAM advisory committees shall be restricted to individuals without personal financial interest in any Measure A project. See Attachment 2.

Recommendation

Staff recommends that TAM adopt Resolution 2005-01, thereby establishing and specifying standing rules and application and appointment procedures for TAM advisory committees.

Respectfully Submitted,

Craig Tackabery
Executive Director

Attachments

1. Resolution 2005-01
2. Sample TAM Advisory Committee Application Form

Attachment 1

RESOLUTION NO. 2005-01

A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN ESTABLISHING AND SPECIFYING STANDING RULES AND APPLICATION AND APPOINTMENT PROCEDURES FOR ADVISORY COMMITTEES

WHEREAS, the voter-approved Measure A Transportation Sales Tax Expenditure Plan establishes two advisory committees: a Citizens' Oversight Committee, who will review all sales tax related expenditures of the Transportation Authority of Marin (TAM) and will report directly to the public; and a Technical Advisory Committee, who will make recommendations to TAM on infrastructure investment priorities; and

WHEREAS, pursuant to TAM Administrative Code Section 104.2(b)(2), TAM may establish other special or ad hoc advisory committees, as deemed necessary or advisable from time to time; and

WHEREAS, TAM will depend on these advisory committees to conduct public business and to comply with applicable statutory mandates; and

WHEREAS, as a matter of public interest, TAM deems it advisable to establish standing rules and appointment procedures for these advisory committees and the members of those bodies.

NOW, THEREFORE, BE IT RESOLVED that TAM does hereby approve the "TAM Advisory Committees Standing Rules and Application and Appointment Procedures" document attached to this resolution as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin, on the 24th day of February, 2005 by the following vote to-wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

STEVE KINSEY, CHAIR
TRANSPORTATION AUTHORITY OF MARIN

ATTEST:

Craig Tackabery
Executive Director

Exhibit A, Page 1 of 3

Resolution 2005-01

TAM Advisory Committees

Standing Rules and Application and Appointment Procedures

Standing Rules

1. Citizens appointed to the two standing TAM advisory committees, the Citizen Oversight and the Technical Advisory Committee, shall be appointed for a term of four years; however, in order to provide for staggered terms for committee members, at the first meeting of the committee, the members shall draw lots to determine whether their initial appointment term will be 2 or 4 years. All initial appointment terms shall commence on June 1, 2005 and, subject to earlier removal or termination as provided herein, shall expire on May 31, 2007, as to two-year terms and May 31, 2009, as to four-year terms. Thereafter, terms shall commence on June 1 and shall terminate on the fourth anniversary date of such commencement date. If a committee member is unable to complete his or her term, a replacement member will be appointed by the TAM Board to fill the vacancy and complete the appointment term. Members of these advisory committees shall be appointed to their full terms, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code.
2. Each committee member also shall have a designated alternate appointed, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code, who shall attend committee meetings in the event that the appointed committee member is unable to attend. It shall be the responsibility of the appointed committee member to inform their designated alternate when the appointed committee member is unable to attend a meeting of the committee. The name of each designated alternate shall be on file with TAM.
3. Any special or ad hoc advisory committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the TAM Board. The Executive Director shall prepare an annual summary report of special or ad hoc advisory committees and make recommendations to the TAM Board regarding the elimination of committees whose functions or purpose have been fulfilled or where the mandate or purpose for the creation of the committee has expired.
4. Advisory committees that are responsible for conducting public business for TAM are subject to all provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq. (as amended), which mandates open meetings for local legislative bodies.
5. Advisory committee members are required to comply with disclosure and conflict of interest requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. (as amended), and must complete and file all necessary disclosure documents. Committee members shall avoid impropriety and the appearance of impropriety and shall not use their appointed position to further their own financial gain or for any other purpose not directly related to the governmental function they have been appointed to perform. Specifically, committee membership shall be restricted to individuals without personal financial interest in any Measure A project. Committee members are defined as "public officials" of TAM (California Government Code Section 82048), and no public official shall make, participate in making, or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows, or has reason to know, he or she has a financial interest (California Government Code Section 87100). Having a financial interest in a decision is defined by California Government Code Section 87103.

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Resolution 2005-01

6. All appointed advisory committee members, whether new or re-appointed, shall take a loyalty Oath of Office prior to voting on any matter presented to the advisory committee to which they have been appointed to serve.
7. Unless authorized as the designated spokesperson by the advisory committee, an individual member may not represent the advisory committee before any other committee or agency or to the press or general public. Advisory committee members are defined as “officers” of TAM and hence are governed by California Government Code Section 3201 et seq. (as amended) relating to political activities. Specifically, political activities, such as soliciting or receiving funds or contributions for a candidate or ballot measure during committee meetings, are prohibited.
8. Advisory committee members shall be responsible for having a working knowledge of the establishing ordinance, by-laws, federal or state mandates or any other governing regulations that define and set forth the intent and purpose of their appointment and shall only represent and take action on matters related thereto.
9. No advisory committee shall have powers other than advisory to TAM. Standing advisory committees, the Citizens’ Oversight Committee and Technical Advisory Committee, shall have adopted by-laws approved by the TAM Board within 90 days of committee formation.
10. Advisory committee members shall not knowingly or otherwise misrepresent the scope of their influence or authority in matters assigned to their committee or represent recommendations of their respective advisory body as official TAM policy until such time as formal action, such as adoption of a resolution, has been taken by the TAM Board.
11. The TAM Board shall retain discretion to rescind any advisory committee appointment(s), as deemed necessary.

Application and Appointment Procedures

1. Notice of application for appointment to standing advisory committees shall be posted on the TAM website and provided to: all TAM Board Commissioners; all city, town, and county clerks for posting; local newspapers; all qualified nominating organizations; and all Marin County library branches. Application notification periods shall be conducted for a minimum of 60 days.
2. In the event that multiple, qualified applications are submitted for a committee membership appointment from identified nominating organizations, the TAM Board may choose to conduct interviews. If selected for an interview, applicants shall be notified of the date, time, and location of the interviews.
3. When a vacancy exists on an advisory committee and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The TAM Board may, at any time, move to continue an appointment to a subsequent date.

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Resolution 2005-01

4. New members of advisory committees and members who wish to continue serving in their appointed capacity for an additional term are required to complete and submit a new application or may update and resubmit their original application if no pertinent information has changed. Applications shall be submitted to the TAM Executive Director, and all qualifying applications for the vacancy will be submitted to the TAM Board for consideration, selection, and appointment.
5. The TAM Executive Director shall maintain a public information list of members and designated alternates appointed to TAM Advisory Committees. The list shall include the name of the appointee, the date the term expires, and affiliation and/or nominating organization. The list shall be updated annually on January 1.



Attachment 2 Sample Application Form

APPLICATION FOR APPOINTMENT TO ADVISORY COMMITTEES TO THE TRANSPORTATION AUTHORITY OF MARIN (TAM)

Please complete this form and return to the TAM Executive Director at the address below.

Name: _____

Home Address: _____

Telephone: _____

E-Mail Address: _____

Occupation: _____

Advisory Committee Applied For: _____

Nominating Organization: _____

(For Citizens' Oversight Committee and Technical Advisory Committee Only)

Summary of Qualifications for Appointment: _____

Summary of Reasons for Applying: _____

Please note that Citizens' Oversight Committee members shall be private citizens who are neither elected officials nor public employees from any agency that either oversees or benefits from the proceeds of the transportation sales tax.

List any government agency or organization of which you are an elected official, officer, or employee that are funded by or provide services to TAM:

Please note that you will be required to file a Conflict of Interest disclosure statement if you are appointed to a TAM advisory committee (California Government Code Section 81000 et seq.). Membership to any TAM advisory committee shall be restricted to individuals without personal financial interest in any Measure A project. "Financial interest" is defined in California Government Code Section 87103.

Do you or will you have any personal financial interest in any Measure A project?

Yes _____ No _____

Date: _____ Signature: _____

Additional information may be attached.

*Improving mobility and reducing local congestion for everyone who lives and works in Marin County
by providing a variety of high quality transportation options designed to meet local needs.*

c/o Marin County Department of Public Works, P.O. Box 4186, San Rafael, CA 94913
Phone: 415/499-6570 – Fax: 415/499-3799 – www.marintraffic.org